

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOON-SOO PARK

Appeal No. 2001-0050
Application No. 08/753,883

HEARD: June 11, 2002

Before RUGGIERO, GROSS, and BLANKENSHIP, Administrative Patent Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claims 1-3, which are all of the claims pending in the present application.

The claimed invention relates to a stereoscopic image display apparatus having only a single projector in which two separate cameras are used to generate first and second television signals corresponding to left and right signals. The left and right image signals, reproduced by a receiver, are double-scanned at a doubled

horizontal scan frequency to produce left and right double-scanned image signals. A multiplexer alternately selects the left and right double-scanned image signals at a switching speed of the doubled horizontal frequency to produce a single multiplexed double-scanned image signal which is projected onto a single display screen.

Claim 1 is illustrative of the invention and reads as follows:

1. A stereoscopic image display apparatus comprising:

a receiver receiving first and second television signals and producing left and right image signals therefrom, respectively;

double-scanning means for repeatedly scanning twice each line of said left and right image signals, provided from said receiver, at a doubled horizontal frequency of said image signals to produce left and right double-scanned image signals;

multiplexing means for alternately selecting said left and right double-scanned image signals at a switching speed of said doubled horizontal frequency and producing a single multiplexed double-scanned image signal; and

display means for projecting said multiplexed double-scanned image signal onto a single display screen.

The Examiner relies on the following prior art:

Nishikawa

4,736,246

Apr. 05, 1988

Claims 1-3 stand finally rejected under 35 U.S.C. § 102(b) as being anticipated by the disclosure of Nishikawa.

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Rather than repeat the arguments of Appellant or the Examiner, we make reference to the Briefs¹ and the Answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner and the evidence of anticipation relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the Briefs along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the Nishikawa reference does not fully meet the invention as set forth in claims 1-3. Accordingly, we reverse.

We note that anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems,

¹ The Appeal Brief was filed March 13, 2000 (Paper No. 20). In response to the Examiner's Answer dated May 11, 2000 (Paper No. 21), a Reply Brief was filed July 11, 2000 (Paper No. 22) which was acknowledged and entered by the Examiner as indicated in the communication dated September 27, 2000 (Paper No. 24).

Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to each of independent claims 1-3, all of the appealed claims, the Examiner attempts to read the various limitations on the disclosure of Nishikawa. In particular, the Examiner points (Answer, pages 3 and 4) to the stereoscopic video display system illustrated in Figures 3, 4A, and 4B of Nishikawa and the accompanying description at column 4, lines 16-28.

After reviewing the Nishikawa reference in light of the arguments of record, we are in agreement with Appellant's position as stated in the Briefs. We find to be particularly persuasive Appellant's argument related to the claimed limitation of "double-scanning means for repeatedly scanning twice each line of said left and right image signals,...", a feature present in each of claims 1-3. We agree with Appellant's contention (Brief, pages 5 and 6; Reply Brief, pages 1 and 2) that, while Nishikawa describes a frequency doubling and multiplexing procedure similar to that claimed by Appellant, there is no disclosure in Nishikawa that the frequency doubling operation is performed by double-scanning as claimed.

We are cognizant of the Examiner's comments (Answer, pages 3 and 4) which assert that Nishikawa's description of the frequency doubling and multiplexing circuitry is evidence of "... the same functionality of double scanning as claimed." The mere fact, however, that elements in the prior art Nishikawa reference may perform the same function as those claimed, does not satisfy the Examiner's burden of showing that all of the claimed elements are present in Nishikawa so as to support a prima facie case of anticipation. Our review of Nishikawa reveals that the only description of the implementation of the frequency doubling operation appears at column 2, lines 28-34. This passage describes the doubling of the frequency of stored left and right image signals by reading out from memory at a read speed which is twice that of the writing speed, a disclosure which does not satisfy the "... repeatedly scanning twice each line" limitation of the appealed claims. Further, since the Examiner has, in our view, improperly interpreted the disclosure of Nishikawa, the issue of the obviousness of this feature has not been addressed.

In view of the above discussion, since all of the claim limitations are not present in the disclosure of Nishikawa, the Examiner's 35 U.S.C. § 102(b) rejection of claims 1-3 is not

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sustained. Therefore, the decision of the Examiner rejecting
claims 1-3 is reversed.

REVERSED

JOSEPH F. RUGGIERO)	
Administrative Patent Judge)	
)	
)	
)	
)	BOARD OF PATENT
ANITA PELLMAN GROSS)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
)	
)	
)	
HOWARD B BLANKENSHIP)	
Administrative Patent Judge)	

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Letty

JUDGE RUGGIERO

APPEAL NO. 2001-0050

APPLICATION NO. 08/753,883

APJ RUGGIERO

APJ BLANKENSHIP

APJ GROSS

DECISION: **REVERSED**

PREPARED: Jun 6, 2003

OB/HD

PALM

ACTS 2

DISK (FOIA)

REPORT

BOOK